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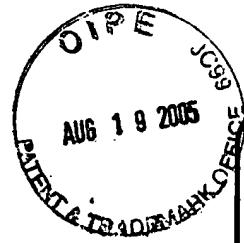
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/608,735

Filing Date

June 27, 2003

First Named Inventor

Donald J. Polak

Art Unit

3632

Examiner Name

Wujciak, Alfred J.

Attorney Docket Number

03-087

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Statement of Substance of the Interview	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Cohen &amp; Grigsby, P.C.

Signature

Printed name

Alidia M. Passerin

Date

August 19, 2005

Reg. No. 54,363

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to be 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Donald J. Polak

Docket No.

03-087

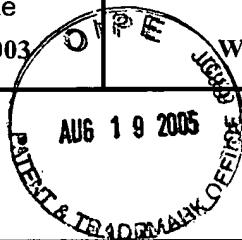
Application No.  
10/608,735Filing Date  
June 27, 2003

Examiner

Wujciak, Alfred J.

Customer No.  
30058Group Art Unit  
3632

Invention: One Piece Molded Clamp



I hereby certify that the following correspondence:

*Substance*  
1 Transmittal (1 pg); 1 Statement of ~~Substance~~ of the Interview (10 pgs); 1 Return Card

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 19, 2005

(Date)

Karin J. Hoover

(Typed or Printed Name of Person Mailing Correspondence)

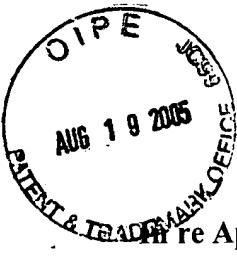
A handwritten signature of Karin J. Hoover in black ink.

(Signature of Person Mailing Correspondence)

EV 465897115 US

("Express Mail" Mailing Label Number)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Donald J. Polak )  
Serial No. 10/608,735 ) ONE PIECE MOLDED CLAMP  
Filed: June 27, 2003 )  
Art Unit: 3632 )  
Patent Examiner: Wujciak, Alfred J. )  
Customer No: 30058 )  
Our Ref: 03-087 )

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 19, 2005

**STATEMENT OF SUBSTANCE OF THE INTERVIEW**

The Applicant wishes to thank the Examiner for his courteousness in conducting a telephonic interview with the Applicant's representatives on July 25, 2005. Pursuant to 37 C.F.R. § 1.133(b) and M.P.E.P. § 713.04, the Applicant provides this Statement of Substance of the Interview. This statement is provided in addition to the Interview Summary. A copy of the Interview Summary is attached hereto as "Exhibit A."

Prior to the telephonic interview, on July 12, 2005, Applicant submitted to the Examiner "Proposed Claim Amendments" for Applicant's Claim 1. The proposed amendments to Claim 1 that were the subject of the telephonic interview are the same as the amendments attached hereto as "Exhibit B."

Applicant respectfully submits that the Interview Summary issued by the Examiner should be clarified because during the interview the Examiner agreed to consider points raised by

Applicant's representatives. Specifically, Applicant's representatives discussed with the Examiner the definitions of "notch" and "tooth" and argued that while the Cable Harness reference teaches a clamp having *teeth* staggered on opposing sides of a strap end, Applicant's claimed invention has at least two *notches* in the outward facing surface of the second jaw of the clamp, each of the notches being angularly offset from the outward facing surface, as claimed in Applicant's amended claim 1. Therefore, Applicant's representatives discussed with Examiner that the cited references do not support a rejection under 35 U.S.C. § 103 because the combination of references do not teach or disclose each and every element of Applicant's claimed invention.

Applicant would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2026 for any fees associated with this Statement of Substance of the Interview.

Respectfully submitted,

By:

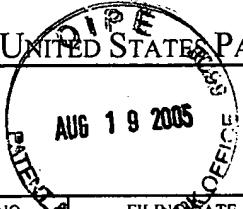


Christine W. Trebilcock  
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Exhibit A  
UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,735	06/27/2003	Donald J. Polak	03-087	7698
30058	7590	08/05/2005	EXAMINER	
COHEN & GRIGSBY, P.C. 11 STANWIX STREET 15TH FLOOR PITTSBURGH, PA 15222			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/05/2005



Doc: 09/05/05

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED AUG 08 2005  
*Jp*



## Interview Summary

Application No.	POLAK ET AL.
10/608,735	
Examiner Alfred Joseph Wujciak III	Art Unit 3632

All participants (applicant, applicant's representative, PTO personnel):

- (1) Alfred Joseph Wujciak III. (3) \_\_\_\_\_.  
(2) Alicia Passerin. (4) \_\_\_\_\_.

Date of Interview: 25 July 2005.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Cable Hardness Clamp publication.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant drafted a propose claim 1 and believe it would distinguish over the Cable Hardness Clamp publication however the examiner still believe that the publication still read on the proposed claim 1. The applicant will submit an argument along with proposed claim 1 for the examiner to consider.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## **NEW CENTRAL FAX NUMBER**

**Effective July 15, 2005**

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

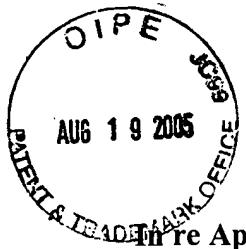


Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Donald J. Polak )  
Serial No. 10/608,735 ) ONE PIECE MOLDED CLAMP  
Filed: June 27, 2003 )  
Art Unit: 3632 )  
Patent Examiner: Wujciak, Alfred J. )  
Customer No: 30058 )  
Our Ref: 03-087 )

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 12, 2005

**PROPOSED CLAIM AMENDMENTS**

The Applicant respectfully submits the attached proposed amendments to the claims. In the telephonic interview which took place on Monday, June 27, 2005, the Examiner agreed to consider proposed claim amendments submitted prior to a formal response. Therefore, Applicant respectfully submits for the Examiner's consideration the attached proposed claim amendments which further define the one-piece molded clamp of Applicant's claimed invention.

The proposed amended independent claim 1 recites an adjustable one-piece molded clamp comprising at least two notches in the outward facing surface of the second jaw, each of the notches being angularly offset from the outward facing surface. The Oxford American Dictionary defines a notch as "a V-shaped indentation on an edge or surface." The Cable Harness Clamp reference cited by the Examiner has edges 9a, 9b, not notches. Therefore, the

prior art of record does not disclose the one-piece molded clamp claimed by Applicant in the Proposed Amended Claims.

We appreciate the Examiner's courteousness in agreeing to review these Proposed Amendments. We will call the Examiner on Wednesday, July 20, 2005, at 9:00 a.m. to discuss these Proposed Amendments. Alternatively, we invite the Examiner to call us to schedule an alternate time to discuss these Proposed Amendments.

Respectfully submitted,

By \_\_\_\_\_

Christine W. Trebilcock  
PTO Registration No. 41,373  
Alicia M. Passerin  
PTO Registration No. 54,363  
Cohen & Grigsby, P.C.  
11 Stanwix Street, 15th Floor  
Pittsburgh, PA 15222  
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## PROPOSED AMENDMENTS TO THE CLAIMS

1. (currently amended) An adjustable one-piece molded clamp comprising:
  - a) a first jaw having an inward facing surface, an outward facing surface, a first end, and a second end;
  - b) a second jaw unitarily formed with said first jaw, said second jaw having an inward facing surface, an outward facing surface, a first end, and a second end;
  - c) at least two notches in said outward facing surface of said second jaw, each of said notches being angularly offset from said outward facing surface; and
  - d) a tension strap unitarily formed with said first jaw, said tension strap having at least one through-aperture having an inner edge through which said second jaw is able to pass, said inner edge of said through-aperture is able to be releasably engaged with at least one of said notches upon passing said first end of said second jaw through said aperture, wherein said notches correspond to differing levels of clamp force.
2. (original) The one-piece molded clamp of Claim 1 further comprising at least one protrusion on said inward facing surfaces of said first and said second jaws.
3. (original) The one-piece molded clamp of Claim 2, wherein said at least one protrusion is unitarily formed with said inward facing surfaces of said first and second jaws.
4. (previously presented) The one-piece molded clamp of Claim 1 wherein said tension strap extends from said inward facing surface of said first jaw.

5. (original) The one-piece molded clamp of Claim 1 wherein said second ends of said first and second jaws further comprise means to mount said clamp on a surface.
6. (original) The one-piece molded clamp of Claim 5 wherein said surface is a body of a vehicle.
7. (original) The one-piece molded clamp of Claim 1 wherein said clamp is made of a polymer.
8. (original) The one-piece molded clamp of Claim 1 wherein said clamp is made of rubber.
9. (original) The one-piece molded clamp of Claim 1 wherein said clamp is made of a synthetic rubber.
10. (canceled)